

## **REMARKS**

[0001] The Examiner rejected Claims 1-24 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 6,052,278 to Tanzer, et al. (hereinafter “Tanzer”).

[0002] Claims 1, 11, 14, and 16 have been amended for further clarification. For reasons set forth below, Applicant respectfully requests that the rejections be withdrawn and that claims 1-24 be allowed.

### **REJECTION OF INDEPENDENT CLAIMS 1, 11, 14, 16, AND 22 UNDER 35 U.S.C. §102(b)**

[0003] The Examiner rejected Claims 1, 11, 14, 16, and 22 under 35 U.S.C. §102(b) in view of Tanzer. Applicant respectfully traverses this rejection.

[0004] Anticipation under 35 U.S.C §102(b) requires that each and every element of the claimed invention be disclosed in the prior art. *Akzo N.V. v. United States International Trade Commission*, 1 USPQ 2d 1241, 1245 (Fed Cir. 1986). Further, anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed Cir. 1983). Applicant respectfully asserts that every element of the present invention is not disclosed in a single prior art reference. In particular, Tanzer does not disclose a mounting frame situated within the equipment drawer, the mounting frame configured to transition between a plurality of functional positions, including a loading position for receiving an electrical device and an operational position for the operation of the electrical device.

[0005] For clarification, Applicants have amended Claim 1 to clearly state that the transition between a plurality of functional positions is a mechanical transition. Specifically, the transition requires a mechanical action to transition the mounting frame from an operational position to a loading position, and another corresponding mechanical action to transition from the loading position back to the operational position. Tanzer fails teach or describe a mechanical transition of mounting frame position.

[0006] Furthermore, the reference number 14 cited does not describe a mounting frame. Tanzer clearly states that component 14 is a data storage module *See* column 3 lines 5-7. It is clear that a data storage module cannot function as a mounting frame. Additionally, it is insufficient to merely state that Tanzer teaches a mounting frame, because the claim clearly adds further limitation stating that, “the mounting frame [is] configured to transition between a plurality of functional positions, including a loading position for receiving an electrical device and an operational position for the operation of the electrical device.”

[0007] Applicants assert that Tanzer as a whole does not teach a mounting frame configured to transition between a plurality of functional positions, including a loading position for receiving an electrical device and an operational position for the operation of the electrical device. Instead, Tanzer teaches “a module enclosure 12 that forms part of an equipment component, and a plurality of data storage modules 14 that can be slidably inserted within the module enclosure 12.” *See* column 3 lines 5-7.

[0008] Applicants have amended independent claims 11, 14, 16, and 22 (referred to herein as “independent claims”) to include substantially the same elements as those added in claim 1. Namely, these independent claims recite a mounting frame configured to mechanically transition between a plurality of functional positions, including a loading position for receiving an electrical device and an operational position for the operation of the electrical device.

**REJECTION OF DEPENDENT CLAIMS 2-10, 11-13, 15, 17-21, AND 23-24 UNDER  
35 U.S.C. §102(b)**

[0009] For the reasons explained above, Applicants respectfully assert that the amended independent claims are allowable in view of Tanzer and the other prior art references. Therefore, Applicants respectfully assert that dependent Claims 2-10, 11-13, 15, 17-21, and 23-24 are allowable for at least the same reasons as the independent claims.

[0010] In view of the foregoing, Applicants submit that the application is in condition for allowance. In the event any questions or issues remain that can be resolved with a phone call, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,



Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: January 18, 2005  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Telephone (801) 994-4646  
Fax (801) 322-1054